

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ANTHONY ROMANO,

Plaintiff,

v.

HARBOR FREIGHT TOOLS USA, INC.,

Defendant.

Case No. 1:22-cv-10471-DPW

**DEFENDANT’S MOTION FOR ISSUANCE OF LETTERS ROGATORY**

NOW COMES the Defendant, Harbor Freight Tools USA, Inc., pursuant to FRCP Rule 34 and 28 USCA §1782, and respectfully requests that this Honorable Court grant them relief, and issue Letters Rogatory to the United States District Court of New Hampshire.

As reasons therefore, Defendant states that the Plaintiff in the instant matter received medical treatment at Frisbie Memorial Hospital, Portsmouth Regional Hospital, and Wentworth-Douglass Hospital in New Hampshire for injuries he allegedly incurred to his shoulder and back as a result of his use of Defendant’s Breaker Bar. The Defendant moves for the issuance of Letters Rogatory to the appropriate authority in the State of New Hampshire in order to secure the production of documents by the above-named entities. It is fair and equitable that Defendant have the opportunity to review the entirety of Plaintiff’s medical records. “This Court has inherent authority to issue letters rogatory and may issue letters rogatory directly to a foreign tribunal.” *MariCal Inc. v Cooke Aquaculture Inc.*, USDC, District of Maine, 2016 WL 9459259. The issuance of Letters Rogatory is necessary to, and will aide in facilitating, the resolution of this action.

Therefore, Defendant, Harbor Freight Tools USA, Inc. respectfully requests that this Honorable Court grant them relief and issue Letters Rogatory to the appropriate authorities in the State of New Hampshire and for all other relief this court deems meet and just.

Copies of the Letters Rogatory and accompanying subpoenas are attached hereto as Exhibits “1”, “2”, and “3”.

Dated: May 30, 2023

Respectfully submitted,  
**HARBOR FREIGHT TOOLS USA,  
INC.**

By its attorneys,

/s/ Anthony J. Sbarra, Jr. \_\_\_\_\_  
Anthony J. Sbarra, Jr. (BBO #552461)  
[anthony.sbara@clydeco.us](mailto:anthony.sbara@clydeco.us)  
265 Franklin Street, 7th Floor  
Boston, MA 02110  
Tel: (617) 210-7755

## **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

To the Appropriate Judicial Authority of The United States District Court, District of New Hampshire:

The United States District Court for the District of Massachusetts presents its compliments to the appropriate judicial authority of The United States District Court for the District of New Hampshire, and requests judicial assistance to obtain evidence and effectuate service of process to be used in a civil matter proceeding before this court in the above captioned matter.

This court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of the United States District Court for the District of New Hampshire compel the below named entity to produce documents and effect service of process upon said entity.

**The Keeper of the Records  
Frisbie Memorial Hospital  
11 Whitehall Road  
Rochester, NH 03867**

**FACTS**

The instant matter before the U.S. District Court of Massachusetts involves product liability. The Plaintiff in this matter alleges that Defendant, Harbor Freight Tools USA, Inc. sold a faulty Breaker Bar, thus allegedly causing Plaintiff to injure his shoulder and back. It is imperative that Harbor Freight Tools USA, Inc. has the opportunity to review and analyze all of the Plaintiff's medical records. The documents requested from The Keeper of the Records of Wentworth-Douglass Hospital are set forth with specificity in the Document Subpoena attached hereto as Exhibit A.

**RECIPROCITY**

In the furtherance of justice and by the proper and usual process of this court, the United States District Court of Massachusetts assures the judicial authorities of the United States District Court of New Hampshire that it is willing to provide similar cooperation and assistance to the judicial authorities of the United States District Court of New Hampshire in the event that said authorities request similar assistance.

**REIMBURSEMENT FOR COSTS**

Attorney Anthony J. Sbarra, Jr. of Clyde & Co., counsel for the Defendant, is willing to reimburse the judicial authority of the United States District Court of New Hampshire for its costs incurred in the execution of this Court's Letter Rogatory, up to \$250.00. Attorney Sbarra requests to be contacted if the amount to execute this Letter Rogatory will be more than \$250.00. The contact information for the party submitting the payment is as follows:

Anthony J. Sbarra, Jr., Esq.  
Clyde & Co.  
265 Franklin Street  
Boston, MA 02110  
Phone: (617) 210-7755

Email: Anthony.sbarra@clydeco.us

Dated: May 30, 2023

---

Hon.

## **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ANTHONY ROMANO,

Plaintiff,

v.

HARBOR FREIGHT TOOLS USA, INC.,

Defendant.

Case No. 1:22-cv-10471-DPW

TO: Keeper of Records  
Frisbie Memorial Hospital  
11 Whitehall Road  
Rochester, NH 03867

**DOCUMENT SUBPOENA**

**YOU ARE HEREBY COMMANDED** in the name of the Commonwealth of Massachusetts, in accordance with the provisions of Rules 26, 34 and 45 of the Massachusetts Rules of Civil Procedure, to produce copies of the documents and things requested in the **Schedule “A”** annexed hereto to Harbor Freight Tools USA, Inc., a Defendant in the above-captioned civil action. This subpoena seeks the production of documents only and no physical appearance is necessary. Said production shall be made to the law offices of Clyde & Co. LLP, Attn: Anthony J. Sbarra, Esq., 265 Franklin Street, 7th Floor, Boston, MA 02110 on or before **July 21, 2023**.

**Hereof fail not** as you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

**HARBOR FREIGHT TOOLS USA,  
INC.**

By its attorneys,

/s/ Anthony J. Sbarra, Jr.

Anthony J. Sbarra, Jr. (BBO #552461)

[anthony.sbara@clydeco.us](mailto:anthony.sbara@clydeco.us)

265 Franklin Street, 7th Floor

Boston, MA 02110

Tel: (617) 210-7755

**SCHEDULE A**

Any and all medical records relative to any treatment provided by Frisbie Memorial Hospital to Anthony Romano, date of birth 11/3/1964, in your possession, custody or control.

These records should include but are not limited to, the following:

1. A **certified copy** of any and all medical records relative to any and all medical treatment provided to Anthony Romano by any person associated with, contracted with or employed by Wentworth-Douglass Hospital, including but not limited to the **entire medical chart**, office notes, doctor's and nurse's notes, correspondence, reports, physical exams records, lab results, all **radiology** records including x-rays, CAT scans, and MRI's (both the written documentation and the films) and **all medical billing records**.
2. All correspondence and other documents evidencing any type of communication between you and any other person(s) or entity(ies) concerning Anthony Romano and/or his medical treatment;
3. All signed or unsigned statements or narratives, communications or correspondence submitted by anyone that concern, evidence or relate to Anthony Romano.



## **EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

To the Appropriate Judicial Authority of The United States District Court, District of New Hampshire:

The United States District Court for the District of Massachusetts presents its compliments to the appropriate judicial authority of The United States District Court for the District of New Hampshire, and requests judicial assistance to obtain evidence and effectuate service of process to be used in a civil matter proceeding before this court in the above captioned matter.

This court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of the United States District Court for the District of New Hampshire compel the below named entity to produce documents and effect service of process upon said entity.

**The Keeper of the Records  
Portsmouth Regional Hospital  
333 Borthwick Ave.  
Portsmouth, NH 03801**

**FACTS**

The instant matter before the U.S. District Court of Massachusetts involves product liability. The Plaintiff in this matter alleges that Defendant, Harbor Freight Tools USA, Inc. sold a faulty Breaker Bar, thus allegedly causing Plaintiff to injure his shoulder and back. It is imperative that Harbor Freight Tools USA, Inc. has the opportunity to review and analyze all of the Plaintiff's medical records. The documents requested from The Keeper of the Records of Wentworth-Douglass Hospital are set forth with specificity in the Document Subpoena attached hereto as Exhibit A.

**RECIPROCITY**

In the furtherance of justice and by the proper and usual process of this court, the United States District Court of Massachusetts assures the judicial authorities of the United States District Court of New Hampshire that it is willing to provide similar cooperation and assistance to the judicial authorities of the United States District Court of New Hampshire in the event that said authorities request similar assistance.

**REIMBURSEMENT FOR COSTS**

Attorney Anthony J. Sbarra, Jr. of Clyde & Co., counsel for the Defendant, is willing to reimburse the judicial authority of the United States District Court of New Hampshire for its costs incurred in the execution of this Court's Letter Rogatory, up to \$250.00. Attorney Sbarra requests to be contacted if the amount to execute this Letter Rogatory will be more than \$250.00. The contact information for the party submitting the payment is as follows:

Anthony J. Sbarra, Jr., Esq.  
Clyde & Co.  
265 Franklin Street  
Boston, MA 02110  
Phone: (617) 210-7755

Email: Anthony.sbarra@clydeco.us

Dated: May 30, 2023

---

Hon.

## **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ANTHONY ROMANO,

Plaintiff,

v.

HARBOR FREIGHT TOOLS USA, INC.,

Defendant.

Case No. 1:22-cv-10471-DPW

TO: The Keeper of the Records  
Portsmouth Regional Hospital  
333 Borthwick Ave.  
Portsmouth, NH 03801

**DOCUMENT SUBPOENA**

**YOU ARE HEREBY COMMANDED** in the name of the Commonwealth of Massachusetts, in accordance with the provisions of Rules 26, 34 and 45 of the Massachusetts Rules of Civil Procedure, to produce copies of the documents and things requested in the **Schedule “A”** annexed hereto to Harbor Freight Tools USA, Inc., a Defendant in the above-captioned civil action. This subpoena seeks the production of documents only and no physical appearance is necessary. Said production shall be made to the law offices of Clyde & Co. LLP, Attn: Anthony J. Sbarra, Esq., 265 Franklin Street, 7th Floor, Boston, MA 02110 on or before **July 21, 2023**.

**Hereof fail not** as you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

**HARBOR FREIGHT TOOLS USA,  
INC.**

By its attorneys,

/s/ Anthony J. Sbarra, Jr.

Anthony J. Sbarra, Jr. (BBO #552461)

[anthony.sbara@clydeco.us](mailto:anthony.sbara@clydeco.us)

265 Franklin Street, 7th Floor

Boston, MA 02110

Tel: (617) 210-7755

**SCHEDULE A**

Any and all medical records relative to any treatment provided by Portsmouth Regional Hospital to Anthony Romano, date of birth 11/3/1964, in your possession, custody or control.

These records should include but are not limited to, the following:

4. A **certified copy** of any and all medical records relative to any and all medical treatment provided to Anthony Romano by any person associated with, contracted with or employed by Wentworth-Douglass Hospital, including but not limited to the **entire medical chart**, office notes, doctor's and nurse's notes, correspondence, reports, physical exams records, lab results, all **radiology** records including x-rays, CAT scans, and MRI's (both the written documentation and the films) and **all medical billing records**.
5. All correspondence and other documents evidencing any type of communication between you and any other person(s) or entity(ies) concerning Anthony Romano and/or his medical treatment;
6. All signed or unsigned statements or narratives, communications or correspondence submitted by anyone that concern, evidence or relate to Anthony Romano.

## **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

To the Appropriate Judicial Authority of The United States District Court, District of New Hampshire:

The United States District Court for the District of Massachusetts presents its compliments to the appropriate judicial authority of The United States District Court for the District of New Hampshire, and requests judicial assistance to obtain evidence and effectuate service of process to be used in a civil matter proceeding before this court in the above captioned matter.

This court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of the United States District Court for the District of New Hampshire compel the below named entity to produce documents and effect service of process upon said entity.

**The Keeper of the Records  
Wentworth-Douglass Hospital  
789 Central Ave.  
Dover, N.H. 03821**

**FACTS**

The instant matter before the U.S. District Court of Massachusetts involves product liability. The Plaintiff in this matter alleges that Defendant, Harbor Freight Tools USA, Inc. sold a faulty Breaker Bar, thus allegedly causing Plaintiff to injure his shoulder and back. It is imperative that Harbor Freight Tools USA, Inc. has the opportunity to review and analyze all of the Plaintiff's medical records. The documents requested from The Keeper of the Records of Wentworth-Douglass Hospital are set forth with specificity in the Document Subpoena attached hereto as Exhibit A.

**RECIPROCITY**

In the furtherance of justice and by the proper and usual process of this court, the United States District Court of Massachusetts assures the judicial authorities of the United States District Court of New Hampshire that it is willing to provide similar cooperation and assistance to the judicial authorities of the United States District Court of New Hampshire in the event that said authorities request similar assistance.

**REIMBURSEMENT FOR COSTS**

Attorney Anthony J. Sbarra, Jr. of Clyde & Co., counsel for the Defendant, is willing to reimburse the judicial authority of the United States District Court of New Hampshire for its costs incurred in the execution of this Court's Letter Rogatory, up to \$250.00. Attorney Sbarra requests to be contacted if the amount to execute this Letter Rogatory will be more than \$250.00. The contact information for the party submitting the payment is as follows:

Anthony J. Sbarra, Jr., Esq.



Clyde & Co.  
265 Franklin Street  
Boston, MA 02110  
Phone: (617) 210-7755  
Email: Anthony.sbarra@clydeco.us

Dated: May 30, 2023

---

Hon.

## **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ANTHONY ROMANO,

Plaintiff,

v.

HARBOR FREIGHT TOOLS USA, INC.,

Defendant.

Case No. 1:22-cv-10471-DPW

TO: Keeper of Records  
Wentworth-Douglass Hospital  
789 Central Ave.  
Dover, N.H. 03820

**DOCUMENT SUBPOENA**

**YOU ARE HEREBY COMMANDED** in the name of the Commonwealth of Massachusetts, in accordance with the provisions of Rules 26, 34 and 45 of the Massachusetts Rules of Civil Procedure, to produce copies of the documents and things requested in the **Schedule “A”** annexed hereto to Harbor Freight Tools USA, Inc., a Defendant in the above-captioned civil action. This subpoena seeks the production of documents only and no physical appearance is necessary. Said production shall be made to the law offices of Clyde & Co. LLP, Attn: Anthony J. Sbarra, Esq., 265 Franklin Street, 7th Floor, Boston, MA 02110 on or before **July 21, 2023**.

**Hereof fail not** as you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

**HARBOR FREIGHT TOOLS USA,  
INC.**

By its attorneys,

/s/ Anthony J. Sbarra, Jr.

Anthony J. Sbarra, Jr. (BBO #552461)

[anthony.sbara@clydeco.us](mailto:anthony.sbara@clydeco.us)

265 Franklin Street, 7th Floor

Boston, MA 02110

Tel: (617) 210-7755

**SCHEDULE A**

Any and all medical records relative to any treatment provided by Wentworth-Douglass Hospital to Anthony Romano, date of birth 11/3/1964, in your possession, custody or control.

These records should include but are not limited to, the following:

1. A **certified copy** of any and all medical records relative to any and all medical treatment provided to Anthony Romano by any person associated with, contracted with or employed by Wentworth-Douglass Hospital, including but not limited to the **entire medical chart**, office notes, doctor's and nurse's notes, correspondence, reports, physical exams records, lab results, all **radiology** records including x-rays, CAT scans, and MRI's (both the written documentation and the films) and **all medical billing records**.
2. All correspondence and other documents evidencing any type of communication between you and any other person(s) or entity(ies) concerning Anthony Romano and/or his medical treatment;
3. All signed or unsigned statements or narratives, communications or correspondence submitted by anyone that concern, evidence or relate to Anthony Romano.

I certify that on May 30, 2023, I caused to be served the above Defendant's Motion for Issuance of Letters Rogatory by CM/ECF electronic filing to all counsel of record in the above referenced matter.

/s/ Anthony J. Sbarra, Jr.

Anthony J. Sbarra, Jr.